

Appl. No. : 09/771,043  
Filed : January 26, 2001

### REMARKS

Claims 4, 7, and 10 are pending before the Examiner. Reconsideration in view of the arguments presented below is respectfully requested.

#### Rejection under 35 U.S.C. § 102(e)

Claims 4, 7, and 10 are rejected under 35 U.S.C. § 102(e) as anticipated by Brennan (U.S. 6,210,894).

Applicants assert that Brennan does not teach all of the claimed elements of the invention.

Applicants' claims teach bringing a substrate into contact with a nucleic acid which has a polymer and irradiating to form the nucleic acid-immobilized substrate.

In contrast, Brennan teaches that the polynucleotides are synthesized on the plates (Figure 2B, Example 2). As taught on Example 2, "Assembly of oligonucleotides on the prepared dots (FIG. 2B, bottom) is carried out according to the H-phosphonate procedure (FIG. 4) or by the phosphoroamidite method...All other steps (e.g. DMT deblocking, washing) are performed on the array in a batch process by flooding the surface with the appropriate reagents" (col. 7, line 60 to col. 8, line 3). Brennan teaches that the coupling agents are successively contacted on the plates. This teaching differs from Applicants' claimed invention in which the polymer is contacted with the substrate and irradiated.

An additional distinction is that in Brennan, irradiation is performed to prepare the surface for reaction with a nucleic acid coupling agent (see Figure 2B(e) and Example 1). Brennan does not teach "bringing the substrate into contact with the nucleic acid, and irradiating a contact portion with an electromagnetic wave" as set forth in Applicants' claim 1 (step 3) and also claim 2. Thus, Brennan does not teach the invention as claimed.

In view of Applicants' arguments, reconsideration and withdrawal of the above ground of rejection is respectfully requested.

#### CONCLUSION

In view of the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: April 12, 2004

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